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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:)
)
PVS Chemicals, Inc.) Docket No. V-W-86-R-55
12260 South Carondolet Avenue)
Chicago, Illinois 60633) CONSENT AGREEMENT
) AND
) FINAL ORDER
EPA I.D. NO.: ILD 001 833 714)
_____)

On June 30, 1986, a Complaint was filed in this action pursuant to Section 3008 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. Section 6928, and the United States Environmental Protection Agency's (U.S. EPA) Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, U.S. EPA. The Respondent is PVS Chemicals, Inc. (Illinois), 12260 South Carondolet Avenue, Chicago, Illinois, 60603.

The Parties to this action, being desirous of settling this action, enter into the following stipulations for the limited purpose of the settlement of this action:

1. Respondent has been served with a copy of the Complaint, Findings of Violation, and Order (Docket No. V-W-86-R-55) in this action;

2. The Regional Administrator has been served with a copy of the Answer to Complaint, Finding of Violations and Order, and Request for Hearing;

3. The Regional Administrator has jurisdiction over this action pursuant to Section 3008 of RCRA, 42 U.S.C. Section 6928 (a)(2); which provides that the U.S. EPA may enforce State regulations in those States authorized to administer a hazardous waste program. On January 30, 1986, the State of Illinois was granted final authorization by the Administrator of U.S. EPA, pursuant to Section 3006(b) of RCRA, 42 U.S.C. Section 6926(h), to administer a hazardous waste program in lieu of the Federal program;

4. Respondent operates a facility located at 12260 South Carondelet Avenue, Chicago, Illinois 60603;

5. Respondent neither admits nor denies the factual allegations or legal conclusions contained in the Complaint, Findings of Violation, and Order;

6. Respondent explicitly waives its right to a hearing regarding the allegations or legal conclusions contained in the Complaint, Findings of Violation, and Order;

7. Respondent hereby consents to the issuance of the Final Order hereinafter recited and to the payment of a settlement amount hereinafter stipulated; and

8. This Consent Agreement and Final Order shall become effective on the date it is signed by the Regional Administrator.

FINAL ORDER

Based upon the foregoing stipulations, the Parties agree to the entry of the following Final Order (Order) in this action.

A. Respondent shall, immediately upon the effective date of this Order, maintain compliance with the pertinent Standards Applicable to Generators of Hazardous Waste, 40 CFR Part 262; 35 Ill. Adm. Code 722, and the Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities, 40 CFR Part 265; 35 Ill. Adm. Code 725, except as otherwise provided herein. Respondent shall continue to operate an in-line pH control system at the facility to prevent placement of hazardous waste into any surface impoundment without a finally effective RCRA permit.

B. Within forty-five (45) days of the effective date of this Order, Respondent shall submit to the Illinois Environmental Protection Agency (IEPA) for approval, the written demonstration set forth in 35 Ill. Adm. Code 725.190(e) for the facility's surface impoundment under a "worst case" scenario, based upon the assumption that the untreated materials had a pH of 1.98. A copy of this demonstration shall also be submitted to the U.S. EPA. The parties confirm that IEPA, as the authorized agency pursuant to Section 3006(b) of RCRA, 42 U.S.C. Section 6926(b), will review the demonstration in conjunction with the current review of Respondent's closure certification.

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C. Respondent shall maintain the required amount of financial responsibility until such time as certification of closure of the surface impoundment is approved in writing by IEPA pursuant to 35 Ill. Adm. Code 725.243(h).

D. Respondent shall, in the ordinary course of operations, drain the north and south sections of the impoundment and remove any accumulated sludges. Prior to removal, the sludges shall be analyzed to determine whether they are hazardous waste. IEPA and U.S. EPA shall be notified in the event such sludges are found to be hazardous waste pursuant to 35 Ill. Adm. Code 721.103. If such sludges are found to be hazardous wastes, Respondent shall arrange for its transportation by a properly licensed hauler and disposal at a licensed facility. The parties agree that this provision is not intended to nor shall it in any way limit the rights of IEPA and U.S. EPA to enforce applicable statutes and regulations in the event such sludges are found to be hazardous. *Does the party agree with this?*

E. Respondent shall allow periodic inspections by IEPA and U.S. EPA at reasonable times and upon reasonable notice to assure compliance with the terms herein. The Parties agree that this provision is not intended to nor shall it in any way limit the rights of IEPA and U.S. EPA to inspect under applicable statutes and regulations.

F. Respondent shall pay a settlement amount of Nine Thousand

Dollars (\$9,000.00) payable to the Treasurer of the United States of America. Said sum shall be paid in equal quarterly installments of One Thousand Five Hundred Dollars (\$1,500.00) commencing on the first day of the first month following the effective date of this Order and continuing for five (5) subsequent quarterly installments until paid in full. The payment shall be mailed to the U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should also be sent to both the Regional Hearing Clerk, Planning and Management Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Respondent shall pay interest on any amount overdue under the terms of this Order at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. Section 3717. A late payment handling charge of \$20.00 will be imposed on a late payment. In addition, a six percent per annum penalty will be applied on any principal amount not paid within ninety (90) days of the date on which each payment is due. For the purpose of this Order, an amount due herein shall not be considered overdue if mailed within ten (10) days of the due date. If a payment is overdue, interest shall be calculated on the amount overdue from the original date such payment was due without regard to the grace period described above.

H. Respondent shall notify U.S. EPA in writing upon achieving compliance with this Order and any part thereof, except for compliance with the provisions of paragraph F above. This notification shall be submitted, no later than fifteen (15) days after the compliance is achieved, to the U.S. EPA, Region V, Waste Management Division, 230 Dearborn Street, Chicago, Illinois 60604, Attention: Jonathan Adenuga, RCRA Enforcement Branch, 5HR-12.

Agreed this 28th day of OCTOBER, 1988.
PVS Chemicals, Inc. (Illinois)

by [Signature]
Title PLANT MANAGER

Agreed this 9th day of JANUARY, 1989.

[Signature]
Basil G. Constantelos, Director
Waste Management Division
Complainant
U.S. Environmental Protection Agency
Region V